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to: Examiner Phan and Supervisor Jay Patel

from: Frankie W. Wong

date: October 22, 2008

user ID: 8093

client: 01772

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## notes/comments:

Dear Examiner Phan,

In reference to the status of the Pre-appeal brief filed on 3/24/08, based on our phone conference this morning, you said that you and your supervisor Jay Patel had a meeting yesterday and decided to re-open prosecution to the above application.

Per my phone request, and again in this communication, I need from you a fax copy of Document Code-AP.PRE.DEC (Notice of Panel Decision from Pre-Appeal Brief Review) indicating a checked box at "Reopen Prosecution" as proof by the end of business today. I informed you that I have already started preparing an Appeal Brief in anticipation of filing the Appeal Brief by 10/24/08 with a five month extension due to inaction and delays by USPTO.

If I do not receive your fax copy of the paper today, I intend to proceed filing an Appeal Brief by 10/24/08 to avoid abandonment caused by the USPTO delay and lack of a clear instruction. Please feel free to contact me by fax or by phone if you have any comments or questions. Thank you.

Respectfully submitted,

Frankie W. Wong

Reg. No. 61,832

(Patent Agent for the Applicant)

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